REMARKS

Claims 1-40 are pending in the application. Claims 1-40 were rejected. Claims 1, 2, 10, 11, 19, 20, 23, 26, 29, 32, 33, 36, 39, and 40 are being amended. No new matter is being introduced.

Claims 23, 29, and 36 were rejected under 35 U.S.C. 112, second paragraph. These claims are being amended to change "about the rate" to -- at least the rate --. Applicant believes that these claims should now be allowable under 35 U.S.C. 112, second paragraph and requests the rejections under same be withdrawn.

Claims 10-18 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement because, as stated in Part 4 of the Office Action, "[c]laim 10 discloses 'automatically pre-gathering the statistical data' but does not disclose what does the pre-gathering." For purposes of prior art rejections, claim 10 was interpreted to read "automatically pre-gathering the statistical data in an information buffer in a controlled manner, by an element of the multi-processor system."

Applicant believes that the specification as originally filed includes support for claim 10 under 35 U.S.C. 112, first paragraph. In the specification as originally filed, at page 8, line 20, Applicant discloses the line card pre-gathers the statistical data and stores the statistical data in a self-identifying message in a message buffer. At page 11, line 9, Applicant discloses that the statistical information about the ports is automatically gathered by the processor 335 in the line cards 330 (Fig. 3). At page 12, line 20 in reference to Fig. 8, Applicant discloses that, if it is time to gather the statistical data from the port and the data is not in the queue, then, in step 820, the respective high-bandwidth port is accessed to gather the statistical data. On page 14, lines 24-25, Applicant discloses that the respective processes may be implemented in software in the central processor and line cards. Thus, the line cards may include a processor that executes software to pre-gather statistical information about ports in the line card for reporting to the central processor. Applicant further points out that on page 4 of the Office Action at hand, Examiner takes official notice that computer programs are well-known in the art and further states that pre-gathering information and storing the information is among functions capable of being executed by computer programs. Thus, Applicant believes that the specification as originally filed meets

the requirements of 35 U.S.C. 112, first paragraph. However, to more particularly point out and distinctly claim the invention, Applicant is amending claim 10 to include the language suggested by the Examiner on page 3 of the Office Action at hand ("automatically pre-gathering the statistical data in an information buffer in a controlled manner by the at least one element in the multi-processor system"). Accordingly, Applicant believes that claims 10-18 should be allowable under 35 U.S.C. 112, first and second paragraphs.

Claims 1-40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's disclosed prior art in view of Allen *et al.* (USPN 5,495,522) in further view of Naimpally *et al.* (USPN 5,650,825) ("Naimpally").

Claim 1 is being amended to include a limitation ("reporting . . . statistical data . . . <u>in response to being polled for a reason other than for the statistical data</u>"), where the underlined portion was not included in the Proposed Amendment After Final discussed in the Examiner's Interview on January 26, 2004. Applicant's disclosed prior art teaches away from this claim limitation because elements in the disclosed prior art half-duplex communication bus system only report statistical data in response to being explicitly polled for it. Allen *et al.* is cited as a reference including an example of a system that pre-gathers statistical data, but, again, reports it only in response to a request for the statistical data (see column 76, lines 17-37). Naimpally discloses an embodiment of an invention operating in a network that does not use polling to request information and, therefore, does not teach, suggest, or provide motivation for Claim 1 as now amended either alone or in combination with Applicant's disclosed prior art and Allen *et al.* Accordingly, Applicant respectfully submits that the rejection under 35 U.S.C. 103(a) should be withdrawn.

Independent Claims 10, 19, 20, 26, 32, 33, 39, and 40 are being amended to include similar claim limitations and should be allowed under 35 U.S.C. 103(a) in view of the cited references for at least the same reasons.

Dependent Claims 2 and 12 are being amended based on the above-cited claim amendment. Because claims 2-9, 11-18, 21-25, 27-31, 34-38 depend from the independent claims, these claims should be allowed for at least the same reasons.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims (Claims 1-40) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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